

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GEORGE MERCIER,

Plaintiff,

vs.

THE GOVERNOR'S UNKNOWN NAMED  
 BODYGUARD, et al,

Defendant.

2:06-cv-0882-RLH-PAL

**FINDINGS AND RECOMMENDATION**

In a prior Order (#2) entered and served July 21, 2006, the undersigned ordered that the plaintiff's Application to Proceed Without Prepayment of Fees and Affidavit was denied without prejudice, and that the Clerk of the Court would send the plaintiff a Financial Affidavit to proceed *in forma pauperis*, Form CJA 23. The court gave plaintiff 30 days from the date that order was entered and served to file a completed Financial Affidavit in support of his request to proceed *in forma pauperis* on the form provided by the Clerk of the Court, or pay the appropriate filing fee of \$350.00. The order provided the plaintiff with some guidance in this regard, and advised him that failure to comply would result in the dismissal of this case without prejudice. More than 30 days have elapsed and plaintiff has not filed a completed Financial Affidavit as directed and has not requested an extension to do so. Accordingly,

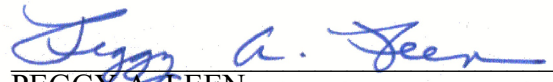
**IT IS THE RECOMMENDATION** of the undersigned United States Magistrate Judge that plaintiff's Complaint be DISMISSED. See Fed. R. Civ. P. 41(b).

**NOTICE**

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to

1 Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations  
2 of a magistrate judge shall file and serve *specific written objections* together with points and authorities  
3 in support of those objections, within ten (10) days of the date of service of the findings and  
4 recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and  
5 Recommendations." The parties are advised that failure to file objections within the specified time may  
6 waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (C.A.9 1991). The  
7 points and authorities filed in support of the specific written objections are subject to the page  
8 limitations found in LR 7-4.

9 Dated this 23rd day of August, 2006.

10  
11   
12 PEGGY A. LEEN  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28